G. R. S. 68]

Previous references

File No 65-12

1912-13
(Municipal)

Serial Nos 1 to 11 & 15

Later references

GENERAL AND REVENUE SECRETARIAT.

Serial Nos 1 to 11 & 15

Part B for September 1913

SUBJECT

Petition of Mr. A. Sitaram Modaliar, Proprietor of the Universal Stores, Mysore etc.

---

(1) From the Private Secy to H. H., no 246 D 7.12-7-12 Forwards petition from A. Sitaram Modaliar proprietor of the Universal stores Mysore city, appeals against the decision of the Trust Bd. declining to grant him a license for erecting a building on a portion of his bungalow site in Lakshmipuram Extension

(2) To the Chairman, Mysore City Impt. Trust Bd, no 1053 D 7 2-8-12 Forwards the petition for report.

(3) From the Petitioner, D 7 28-8-12. Prays for early attention in the matter.

(4) ... on the Petitioner dt 13-11-12 states that ...
... Kshminarayanappa the additional measure ...
has built one house + one bungalow with ...
... trances + Compounds on a site less than ...
of his site, + that there are also two half sites ...
... his in the same line which the Trust Bd ...
have sold + withheld the sanction for the ...
separate buildings, + that if he knew ...
that the Trust Bd will withhold sanction ...
to build on half his site, he would not have sold ...
any portion of his site

(5) from the Chairman, Mysore city Improvt Trust Bd ...
Bd no 3380 dt 13-11-12 Submits a report of ...
the facts of the case

(6) To the Chairman, Mysore city Improvt Trust Bd ...
no 59390 dt 7-2-13 Observes that the present ...
depends upon the precise conditions subject ...
which the entire site was sold to Sitaram Modak ...
that information about these conditions is necessary ...
that there is nothing to show that it was not ...
clear to the purchaser at any time that he was ...
not to sell any part of the site to any other ...
and that there appears to be inconsistency ...
in the argument that the original purchaser ...
cannot build on half the site, but an ...
innocent purchaser claiming under him can ...
+ adds that a reconsideration of the question ...
by the Board is expedient + calls for a report ...
the matter

(7) from the Petitioner, dt 7-2-13. Prays early order in ...
his case

(8) to the Petitioner, no 6094 dt 13-2-13. Informs that the ...

G R S. 11] 1912-913 3

GENERAL AND REVENUE SECRETARIAT

(Mb.)

NOTES

File No 45-12

File Heading

Petition of Mr. A. Sitaram Mudaliar, Proprietor of the Universal Stores, Mysore City...

From

The Private Secty to His Highness the Maharaja

No 246 Dated 12. 7 12 Received 15. 7. 12

Diary No 33 S	Enclos 1	Spare Copies —	Serial No 1

Brief Abstract of Letter

Forwards for disposal petition from A Sitaram Mudr, Proprietor of the Universal Stores, Mysore City, appealing against the decision of the Trust Board declining to grant him a licence for erecting a building on a portion of his bungalow site in the Lakshmipuram Extension.

NOTES AND ORDERS

Draft forwarding the petition to the Chairman of the Trust Board for disposal or report if necessary, is submitted for approval or other orders.

17.7.12 2 The petr's complaint is about an

Notes—First Sheet

GPB—30,000—12-6-11

R S 14

General and Revenue Secretariat.

Inl File No. 65 of 1912

Serial No

order of the City Trust Board refusing to grant him a licence Please note what remedies (if any) the petr has got under the Rules.

SDA 17.7.12

3 The (last) whole question seems to hinge on the conditions subject to which the sites were allotted for building purposes in the locality and the particular site under reference was sold to petr. Under (the bye-laws framed under) Sec 89 of the City of Mysore Improvement Act. Notice of new buildings should be given to the Trust Bd. Both the Govt and the Board have the power to prohibit the erection of any building objectionable (under certain circumstances stated in the Act). unless they decide such powers under the conditions of the allotment of site, the aggrieved party may sue the Board for damages.

Draft forwarding the petition to the Chairman of Improvement Trust Board for necessary action & submitted for approval

SDA 29.7.12

2nd Cr

Draft approved by 2nd Cr

30/7

Issue SDA 31/7

NOTE—Contin. sheet.

GPE—65,000—17-7-12.

R. S. 12]

General and Revenue Secretariat.

2l File No. 65 of 1912

Serial No.	
2	Order No 1082 Dy 2.9.1912 to the Chairman. Forwards the petition for report
3	Letter dated 28th Aug. 1912 from the petitioner praying for early attention in the matter.
9	In the meantime the Chairman's report may be awaited issuing reminders, if necessary. Mar 30 5-9-12
4	Letter dated 13th November 1912 from the petitioner States that Mr Lakshminarasimha the additional Munsiff of Mayavaram has built one house and one bungalow with separate entrances and compounds on a site much less than his half site and that there also are also two half-sites as his in the same boundary line which the Town Board have sold on which two separate buildings

Note—Contin. sheet.

GPB—05,000—17-6-12.

R 5. 12]

General and Revenue Secretariat | Jud File No. 65 of 1912

Serial No.	
	been withheld and that if he had known that the Trust Board would not permit him to build on half of his site, they he would not have sold any portion of his site at all
5 12	Letter No. 338 dated the 13th November 1912 from the Chairman, Nagpur City Improvement Trust Board submitting a report of the facts of the case
13	Submitted for orders. In 1908 the petitioner purchased a site measuring 144'×170' in the Lakshmipuram Extension for Rs 3397/-, and in 1911 sold half of it measuring 72'×120' to one Mr. B. Ramaswamy Iyengar for Rs 6007-. Then he applied for a license to build on the other half. Mr. Ramaswamy Iyengar also submitted a similar application. The Board of Trustees considered both the applications at their meeting of the 23rd May 1912 and rejected them on the ground that only one house should be allowed to be built on each site. At a subsequent meeting they reconsidered their decision in so far as Mr. Rama-swamy Iyengar's application was concerned and

N

Note—Contin. sheet.

[S 12]

General and Revenue Secretariat | MC File No. 65 of 1912

Serial No

P

and allowed him to build on the half site purchased from the petitioner, on the ground that he was an innocent purchaser. The petitioner's appeal is against this decision of the Trust Board and the several grounds of appeal are these :-

(1) That at the time of sale no manner of limitation or condition was enforced either by the City Improvement Trust Board or subsequently by the Municipality regarding the time within which and the manner in which the building had to be constructed, the place that had to be approved for the construction and that there was also no condition enforced that he should not sell any portion of this site and that, if that was done, license would be withheld,

(2) That the Trust Board themselves have sold two half-sites of the same dimensions to different parties a few yards from this site and that both of them have been permitted to build on their half-sites,

(3) That if the intention of the Trust Board was to discountenance and put a

NOTE—Contin. sheet.

GPB—65,000—17-4-12.

R. S 12]

General and Revenue Secretariat | Jul File No. 65 of 1912

Serial No

stop to the practice of site owners fencing with a portion of their sites, there was nothing in their way to make that a condition precedent to the purchase of the sites, and

(4) that when Mr. Ramaswamy Iyengar and himself applied for licences to build almost immediately it is not clear how Mr. R Iyengar's case merited better and more favourable consideration at the hands of the Trade Board.

14 These several arguments do not seem to have been fully met in the Chairman's letter. In Nov. 10, the Trade Board recorded a resolution that the area to the east of Viceroy road and north of Sankey road be laid out in bungalow sites to be made available at a rate of 2 annas a sq. yd and subject to building conditions applied to Bangalore and Mysore extensions. What those conditions are have not been specifically stated. At any rate, the petitioner contends that no conditions such limitations were imposed at the

NOTE—Contin. sheet.

GPB—61,000—17-6-12.

R. S. 12]

General and Revenue Secretariat | 2L File No. 65 of 1912

Serial No

time of sale has not been answered by the Chairman. On the other hand, the petitioner cites instances in which licenses have been granted by the Trust Board to build on half-sites in the same locality. Under Bye-laws 11 of the Building bye-laws framed by the Trust Board no building intended for human habitation shall be allowed in exclusive or sites measuring less than 30 feet by 50 feet. The petitioner's half site measures 72' × 170'.

15. In this Connection attention is invited to para 3 supra. The City of Mysore Impt Regn does not specifically mention the class of cases in which Govt can interfere. But as the entire funds of the Board are almost entirely derived from Govt, there seems to be nothing to prevent Govt from giving advice to the Board where necessary.

Put 50

25.11.12

Govt 16 The petitioner seems to have some ground of complaint. In all the proceedings of the Board, Emphasis was laid only

NOTE—Contin. sheet.

GPB—61,000—17-4-12.

R. S. 12]

General and Revenue Secretariat | Pol File No. 65 of 1912

Serial No

on the fact that - if building operations were not begun soon, the land would be resumed - is nowhere made clear that that each site was compact by itself & no license would be issued to build on half sites. The pet.r is therefore right in saying that he had no knowledge of such a restriction. Ref. It would therefore be a hardship upon him if license to build were now refused to him, & this is aggravated by the fact that the purchaser of the other half has been allowed to build on his share. The Essential point is that it is not clearly laid down anywhere that buildings should not be built on a portion of the sites, & so the Board cannot enforce it - to the prejudice of parties.

In any case, as the other owner of the other share may be was allowed to build, a similar Concession may be shown to the applicant. The Board may be -

NOTE—Contin. sheet.

GPB—05,000—17-6-12.

R. S 12]

General and Revenue Secretariat | Rd File No. 65 of 1912

Serial No

carried accordingly

Sd/ 28/11/12

Sec'y

17

2nd Councilor

13

11/1/13

SM 11/1/13

18 The Department Head Boards must have acted more consistently if they had stuck to their original decision and to grant a license in both cases. It was stated that they wanted their former decision and wanted permission to Rameswaram Agraharam and building, on the production of the lorry and "innocent purchaser" of which I have my own personal doubts - view subsequent to the post-issue. The above draft letter meets with my approval & when my time accordingly

16/11/13

13 17/1

19 Put up draft accordingly

Sd 18/1/13

18/1/13

NOTE—Contin. sheet.

GPB—65,000—17-8-12.

20

20. Drafts of an order and the Endt are submitted

Mud 30
20/1/13

21/1/13

21 The petition is styled an appeal on the Rules but no appeal lies to the Govt in the matter.

However, it is otherwise doubtful how far the Govt can legally interfere with the decision of the Board. Also, the case seems to call for further material information before the Govt can offer definite advice to the Board.

Hence the draft put up by the Office seems to me to be unsuitable at this stage. I have therefore put up another draft of a letter to the Trust Board, embodying the gist of the 2nd Councillor's views

D M Hanumaylar
4/2/13

2nd Councillor)

22 Sir. Levy's draft must with my approval as it does embody the gist of my views. I feel it is time that the Govt. in fairness to so eminent a Citizen proceed to put to end to such efforts & also to such [illegible]

NOTE—Contin. sheet.

R. S 12]

General and Revenue Secretariat. | 26 File No. 65 of 1912

Serial No	
	Land-Lords not properly done so. The question however was raised in the Board in more modern times & likely to arise again when opportunity occurs. 4/2/13
	23 Issue without the general question raised by the 2nd Councillor separately
	24 Letter No. 5939 dated the 7th Feb. 1913 to the Chairman, Mysore City Municipal Trust Board. Observes that the present case mainly depends upon the precise conditions subject to which the entire site was sold to Sitaramma Shetty, that information about those conditions is necessary for the final disposal of his petition, that there is nothing to show that it was made clear to the purchaser at any time that he was not to sell a part of the site to any other and that his site was compact and indivisible and that there appears to be inconsistency in the Board's argument that the original purchaser cannot build

NOTE—Contn. sheet.

[GPB—64,000—17-C-12.

R. S. 12]

General and Revenue Secretariat. | Rl File No. 65 of 1912

Serial No	
	on behalf the title but until an intending purchaser" Claiming under him Cane, and adds that from the materials placed at their disposal Govt are disposed to Consider that a reconsideration of the matter by the Board is expedient unless they feel sure that the additional information they may Collect is such as to justify the decision already given by them and Calls for a report on the petition
7	25 Petition dated 7th Oct 1913 from the Vittaram Mudr.
	Papers early ordered in this Case.
	26 Draft Endl informing the petitioner that the matter is under Correspondence with the Chairman and that orders will be passed soon after the receipt of a report from him is submitted
	27 Issue 8/12 2 13 Rl 10/12/13
8	28 Endl no 6094 Dt 13 2.1913 & petitioner
	informs him that the matter is under Correspondence with the Chairman & that the decision of Govt will

NOTE—Contin. sheet.

(R. S 12]

General and Revenue Secretariat.

Ad File No. 65 of 1912

Serial No	
	be communicated in due course
9	29 Petition dated 17th March 1913 from Mr Sitharam. Complains about the delay in the disposal of his case.
	30 Subs. In serial 7 ascertained information was called for from the Chairman and in serial 8 the petitioner was informed that his case was under correspondence with the Govt Pr and that the decision of Govt would be communicated to him in due course. In the circumstance the Chairman's report may be awaited. Mad 50 18.3.13
	31 Please issue a reminder to the Chairman 19/3/13
	32 Reminder issued to-day 20-3-13
10	33 Reminding petition dated 18th April 1913 from the petitioner praying for early orders.
	34 Chairman's reply has not been received. A reminder was sent on the 20th inst. 35 Issue weekly reminders till the reply is rec'd Mad 50 5.5.13 3/5

NOTE—Contin. sheet.

SPB—65,000—17-6-12.

R. S 12]

General and Revenue Secretariat.

File No. 65 of 1912

Serial No.	
11	36 Letter no 403 dated the 12th May 1913 from the Chairman, Mysore City Improvement Trust Bd. Submits further report on the circumstances under which the Trust Bd declines to grant to the petitioners a license for the erection of a building on a portion of his bungalow site in the Lakshmipuram Extension. 37 Submits for orders as submitted in para 3 supra. There is no provision in the City of Mysore Improvement Regn and the Building Regn Laws framed thereunder by which one is required to take out a license for erecting a building. It is therefore the Condition of allotment of sites that should regulate the case. If, in the opinion of the Govt, the erection of only one house on each site does not affect the Conditions of the Grant the petitioners case fails and the Board's action in refusing permission Ramaswamy Iyengar to build on half the site lies open to objection. MLO 50 — With reference to para 2 & Supra 31.5.13 2.6 (Dy Secy)

Note—Contin. sheet.

GPB—65,000—17-6-12.

(15

T. C.

K. S 12]

General and Revenue Secretariat. | Alg 2 File No. 65 of 1912

Serial No. 89

Despite the length of the Chairman's letter, it is clear that none of the three points raised by Govt has been met. The conditions now insisted upon by the T. B. were not communicated to the individual concerned at the time of the grant of site to him, apart from the title deed. But the title deed does not support the T B as it seems to be assumed. It doubtless says a house should be built but this is not equivalent to saying that only one house should be built on a site. The meaning is that a house & not any other building should be built. As regards alienation, the position is worse as the title deed expressly confers this power on the grantee.

The most prudent course for the T. B is now to allow the applicant to build a house on his site (a moiety of the future site granted to him) Govt can only advise this course, and if it is not adopted decline to bear the cost of defending any suit that may be launched against the T B which may be held that it should be borne by the members individually

2nd Councillor

Thos Anglesea 17/6

160 No If these gentlemen are so obstinate as not to take their just rights, & there are indeed, but cannot help them so much as it may be.

Note—Contin. sheet.

Cpl 17/6 Wells 18/6 Draft Dun 17/6

GPB—65,000—17-6-12.

R. S. 12]

General and Revenue Secretariat

Genl. File No. 65 of 1912

Serial No.	
62	Draft submitted.
	With reference to paras 39 & 40 supra.
	(D'Souza) 29/5/13
63	A tidy draft as revised should be put up. Done 1/7
64	Fair draft submitted
	(D'Souza) 29/5/13
	2nd Councillor Done, as above 3/7
65	approved 4/7/13 Done up 7/7
66	I think that this matter is important enough to be referred to the Diwan for his opinion
	(D'Souza) 5/7/13
	(Dewan) Done as above 7/7
67	I shall be glad if the First Councillor will very kindly go through these papers and the draft order put up, and favour me with his opinion

385 2/7/13

Note—Contn. sheet.

GPB—64,000—17-6-12.

R. S. 12]

General and Revenue Secretariat. | ml File No. 65- of 1912

Serial No

opinion as to what action should be taken in the matter. The draft order may be amended if necessary. 28-8 13. RB

1st Councillor 29/8

Draughtsman 29/8 29/8

I have amended the draft in pencil according to my view of the case

8/9/13

5170 10 9 13

2nd Councillor 9/9

Draughtsman 9/9 9/9

The matter was discussed at an informal meeting of the Councillors and myself.

The First Councillor has, at my request, kindly amended the draft originally put up.

The amended draft may be shewn to the Second Councillor and, if he concurs may issue.

13 9 13 RB

2nd Councillor 13/9

Draughtsman 13/9

The amended draft may issue

16/9

Issued 17/9.

17/9

Draughtsman 17/9

Notes—Contin. Sheet.

GPS—61,500—17-6-12.

R. S 12]

General and Revenue Secretariat.

22. File No. 65 of 1912

Serial No	
15	52 Letter No. 3765 dated the 19th Sep. 1912 to the Chairman, Mysore City Municipal Board.

Stating that the Conducting orders inscribed upon were not communicated to the individual concerned at the time of the grant of the site to him and that the title deed does not support the Board and that in the circumstance the permission may be given to petitioner to build his house provided the building by-laws are in other respects complied with, and also that there are no provisions in the said by-laws under which the T.P. can withhold the permission sought for on the ground which are in the present case and that the members will be acting ultra vires if they refuse to grant the petitioners request.

NOTE—Contin. sheet.

GPB—61,000—17-6-12.

DIARY No. 328

12/2/2013

OFFICE OF THE PRIVATE SECRETARY
TO HIS HIGHNESS THE MAHARAJA OF MYSORE,
Bangalore, 12th July 1912.

No 246
1

Petition as shown below, to His Highness the Maharaja, to be transferred to the Secretary to the Government of His Highness the Maharaja of Mysore, General and Revenue Department, (Br IV), Bangalore, for disposal

No. 59 of 12-13

By Order,

ICS
Private Secretary
to H H the Maharaja of Mysore.

G R S 26]

File No 657
Serial No 1

Diary No of letter replied to 338

No 1083

General and Revenue Secretariat

(Mb.)

the 17 7 1912

To

The Chairman, Mysore City Improvement and Town Board,

Date of issue 9-8-12

Signed by Mr SOR

Has the honour to forward herewith for [illegible] report [illegible], petition Regd No 57 dated the 12th July 1912 from M. Sitaramu Mudaliar to the address of the Private Secretary to H.H. the Maharaja appealing against the decision of the Board of Trustees declining to ground him a license for

over

SUBJECT

3

the erection of a building
on the portion of his bungalow
site in the Lakshmipuram
extension.

"Bypass"

List of enclosures,

Copied by

Examined by

GPB—40,000—6.6.11

Estd 1900
FURNITURE DEALERS & AUCTIONEERS.

The Universal Stores,
CYCLE DEALERS

Proprietor Mr A Sitaram
HOUSE & ESTATE AGENTS & GENERAL ORDER SUPPLIERS.

Mysore 28th July 1912

DIARY No 130)

1911-1913
SECTION: Jud
FILE No. 65-12
SERIAL No. 3

The General & Rev Secretary
Bangalore

Respected Sir

I beg to remind you as to the disposal of my memorial 87/12 of July 1912, Submitted to R H Campbell Esq Private Secretary to H H the Maharajah of Mysore, re the application sent to me by the Mysore City Improvement Trust Board on rental holding from me the license to build a bungalow on my half Site C no 13 Lakshmipuram Ex Bamboo Mysore which the owner of the other half having given the license to build a bungalow

Awaiting the favour of your early attention

I beg to remain
Respected Sir
your most obedient Servant
A Sitaram

5

Estd 1900
FURNITURE
DEALERS,
AUCTIONEERS.

The Universal Stores,

CYCLE DEALERS

2757

Proprietor Mr A Sitaram
HOUSE & ESTATE
AGENTS & GENERAL
ORDER SUPPLIERS.

Mysore 13 Nov 1912 2

R 13
Vol C Vol 65-12/514

The Secretary to the Government of Mysore
Genl & Rev Department Bangalore

Respected Sir

It is quite four months Since I Submitted my memorial about the injustice done to me by the Mysore City Improvement Trust Board with regard to withholding leases from me to build a Bungalow on my half Site, the other half Site having been Sold to one Mr Ramaprasad Iyengar who has been given the leases to build a bungalow on that half Site

I further beg to point out that Mr Lakshma Nanappa the additional Sheristh of Mysore has built one house & one Bungalow having Separate entrances & compounds on a Site much less than my Sole Site & there are also two Such half Sites as mine, on the Same line, as mine, which the Trust Board has Sold & on which two Separate buildings have been built-

6

No.338

Re. on file of papers as per-Cir. Sitarama Modr petition

Mysore City Improvement Trust Board,
Chairman's Office,
Dated, Mysore, 13th November 1912.

2753

From,

K.Krishna Iyer, Esq.,
Chairman of the Board of Trustees,
Mysore City Improvements.

To,

K.R.Srinivasaiengar, Esq., M.A.,
Secretary to the Govt. of H.H. the Maharaja
of Mysore, Gen & Rev. Departments.

Sir,

With reference to your docket No.1083/Ml.65-12-2 dated the 2nd August 1912, forwarding for report petition -- Regd.No.59/D.338 dated the 12th July 1912 from A.Sitarama Modaliar to the address of the Private Secretary to His -- Highness the Maharaja, appealing against the decision of the Board of Trustees declining to grant him a licence for the erection of a building on a portion of the bungalow site purchased by him in the Lakshmipuram Extension, I have the honour to state that the facts of the case are as noted --- below -

(1) The said Sitarama Modaliar purchased site No.13

he actually sold away a half of the site in question to one B.Ramaswamiengar for Rs. 600/- or more than double the price he paid for the whole of it.

(7) On the 13th April 1912, the said Sitarama Modaliar applied again for a licence, and on this occasion for building on only the remaining half of the site, while B.Ramaswamiengar who had purchased the first half, had similarly applied for a licence for building on his portion. Both these applications were rejected by the Trustees in their meeting dated the 23rd May 1912 on the ground that the splitting up of the site in question into two halves and ---- raising two separate structures on each half, was -- opposed to the original intention and not in keeping with other buildings in the Extension.

(8) On a reconsideration, however, of Ramaswamy Iyengar's representation that he would be put to a heavy loss if licence to build was not granted, the Board of Trustees in their meeting dated the 26th -- June 1912, allowed the said Ramaswamiengar -- an innocent purchaser -- to build on his portion of the site.

II It has to be observed here that the said Sitarama Modaliar

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had no such extenuating circumstances on his side. For, he had already recovered more than twice the amount he paid for the full site in question, and his statement that he had collected materials for the building at a considerable cost, will have to be taken for what it is worth, having regard to the fact that he made no sort of attempt to build even after his repeated show of preparedness to do so, by obtaining the building licence in January 1910 and by having it renewed again in December 1910. He was, as already observed, waiting for a chance to dispose of the site in question in the most lucrative manner possible and the innocent purchaser B.Ramaswamiengar seems to have come in handy for him.

III Papers relating to the case referred to above, are enclosed herein for favour of perusal and obliging return.

IV The petition received with the docket under reference, is returned.

I have the honour to be,
Sir,
Your most obedient servant,

Chairman.

To

R. H. Campbell, Esq., I.C.S.,

Private Secretary to H. H. the Maharaja

of Mysore,

MYSORE.

Honoured Sir,

The undersigned craves leave to intrude upon your precious hours on a matter which is of great importance to him with the fervent hope that the underneted lines may merit your kind perusal and favourable consideration.

1. That the undersigned was one of the applicants for a bungalow Building site in Lakshmipuram extension Mysore, when sites were allotted by the late Chairman Mr. D. Seetha Rama Rao. Mr. D. Seetha Rama Rao was pleased to sell to the undersigned site No.13 measuring 144' x 170'. It may incidentally be submitted for kind consideration that at the time of the sale no manner of limitation or condition was imposed either by the City Improvement Trust Board or by the Municipality subsequently regarding the time within which a building had to be constructed or the manner in which it had to be constructed or the place that had to be appropriated for the said construction or the powers of alienation that would naturally and legally vest in the purchaser of a site.

2. In 1908 the undersigned became the owner of the site in question. As his limited purse permitted him he began to invest money from time to time in collecting wooden materials necessary for the construction of a well-ventilated and modest build-

12 b

building. It need hardly be urged that for a self made and resourceless man as the undersigned the matter of saving about 8 to 9 hundred rupees to get ready the wooden materials was one of great difficulty, time and toil. While matters stood thus the undersigned had many an offer for selling his site and the undersigned thought it more worldly and expedient to part with half of his site to a gentleman by name R. Ramaswamy Iyengar and reserve the other half for the construction of his own building. Accordingly in 1911 the undersigned sold half of his site measuring 72' x 170' to the aforesaid gentleman. The said gentleman for reasons best known to himself began the construction of a building on a pretty large scale on the site purchased by him. The said construction was being noticed and inspected very occasionally by both the sanitary officers and the Municipal officers. Not a word of protest was given utterance to by the said officers in spite of the glaring omission on the part of the said R. Iyengar to secure a license before building operations were commenced as imperatively required by the Bye-laws of the Municipality. More than a year passed by, and Mr. R. Iyengar as per his statement expended about a couple of thousand rupees for basement and foundation alone.

3. When the undersigned had collected sufficient funds to start the construction of a building on his site he in a constitutional way approached the Municipality with an application for the grant of a license and appended thereto a plan of his contemplated structure. No exception was taken to the plan submitted and most unaccountably no license was granted to the undersigned. The

The undersigned naturally renewed his application and urged that the grant of the license may be made without further delay. The Trust Board on the 27th May 1912 sent in a communication to the undersigned to the effect that his prayer for the license could not be granted on the following grounds:-

(a) That the undersigned was incompetent to sell his half site to another.

(b) That no license could be given to him to build a bungalow on the remaining half site.

4. That the decision of the Trust Board is erroneous is made evident by the following circumstances:-

(a) No condition was imposed by the Board to the effect that he should not sell any portion of his site to another and if done so license would be withheld.

(b) In 1907 the Trust Board has sold of its own accord two half sites of the same dimensions to Messers. Parameswara Iyer and Krishna Char. These two half sites are only a few yards distant from the site of the undersigned. Licenses were granted without any demur and buildings have been constructed.

(c) If the intension of the Trust Board was to discountenance and put a stop to the practice of site owners parting with a portion of their sites - there was nothing in the way of making this a condition precendant for the purchase of a site.

(d) When Mr. R. Iyengar chose to start the construction without obtaining a license therefor and more strangely when a license was granted to him at about the same time when the petitioner unsuc-

15

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man and that you will be pleased to interest yourself in righting the wrong done to the helpless - and uninfluential undersigned.

For which act of grace the undersigned begs leave to subscribe himself as

Your most obedient and humble servant,

A Sela Rama Krishnan

Proprietor The Universal Store,

Mysore

Mysore,

Dated...12 7 12

2 1/2

16

5 1 1 3

+ Case 2874

G.R.S 26]

File No. 65-12

Serial No. 6

Diary No of letter replied to 2758

No 5939
ml 65-12-
97213

General and Revenue Secretariat
(Mls)
, *the* 19

To The Chairman,
C. & T. B. Mysore

Date of issue 7213

Signed by MrJGR

Sir,

With reference to your No 838, dated the 13th Nov 1912, reporting upon the circumstances under which the Board of Trustees declines to grant A. Sitaramia Naidu a license for the erection of a building on a portion of his bungalow site in the Lalbagh Fair and Exhibition, I am directed to state as follows:—

The present case mainly depends upon the peculiar conditions subject to

over

SUBJECT

that the entire site would be let to the
Stevenage Meditar. But your report
does not state exactly what conclusions
were communicated to the purchaser.
This information is necessary for the
final disposal of this petition.

Again, there is nothing
to show that it was made clear to
the purchaser at any time that he
was not to sell a part of the site to
any other and that his site was
to be compact and indivisible.

Lastly, there appears to be
an inconsistency in the argument of the Board that
the original purchaser cannot hold
on half the site and that an
unsecured purchaser claiming under him
can. This seems to require a
good deal of explanation.

From the materials furnished at present
the Court are disposed to consider
that unnecessary expense and delay
for a reconsideration of the matter
by the Board unless they feel
no objection

List of enclosures,

Copied by

Examined by

GPB—10,000—23-9-11.

~~G~~ R.S 27]

GENERAL AND REVENUE SECRETARIAT

(Continuation sheet draft form.)

Sure that the additional information they may check in due course as such as to justify the decision already given to them. In the latter case I am to request that a report may be forwarded to the Govt. for necessary action.

I have &c.

Secy
Forces

4/12/13

4/12/13

Feb 1907
FURNITURE DEALERS, AUCTIONEERS.

The Universal Stores,

CYCLE DEALERS

Proprietor Mr A Sitaram.
HOUSE & ESTATE AGENTS & GENERAL ORDER SUPPLIERS.

Mysore 7th Feb 1913

Ref 65-12

The General Revenue Secretary
Bangalore

Sir

It is well nigh 7 months since my appeal about the injustice done to me by the City Improvement Trust Board Mysore was sent to you for disposal by R H. Crosfield Esq Private Secretary to His Highness In spite of my two reminders I have not been able to obtain from you even an acknowledgement Kindly inform me the result of my appeal

Awaiting the favour of your early disposal

I beg to Remain
Sir
Your most obedient Servant
A Sita Ram
Proprietor

11/2

6094 × S 913.2.13 GVO
mlb 5-12-8

Endorsement

Endorsement granted by Mr. A. Sitaram, Proprietor of the Universal Stores at Mysore, in reply to his petition Reg. No. 4588 dated the 7th Feb. 1913 praying for early orders on his previous petitions for permission to erect a building on a portion of his site in the Lakshmi puram Extension of the City

---

The petitioner is informed that the matter is under correspondence with the Chairman of the Mysore City Improvement Trust Board and that the decision of both will be communicated to him as soon as received from the Chairman's return is received in due course.

By order

11/12/2

21

Estd 1330
FURNITURE
DEALERS,
AUCTIONEERS.

The Universal Stores,

CYCLE DEALERS

Proprietor Mr A Sitaram
HOUSE & ESTATE
AGENTS & GENERAL
ORDER SUPPLIERS.

Mysore 17 June 1913

D 5528

The Secretary
Genl Rev Department
Bangalore

Respected Sir

My appeal against the decision of the Chairman of Mysore City Improvement Trust Board is yet pending disposal in the matter of withholding license to build a bungalow on my site in the Lakshmipuram extension Mysore. It is quite 8 months since I approached you for redress & I am seriously inconvenienced by the delay.

Sincerely awaiting your orders
I am your obedient
A Sitaram
Proprietor

2b

Estd 1900
FURNITURE
DEALERS,
AUCTIONEERS.

The Universal Stores

CYCLE DEALERS

637

Proprietor Mr A Sitaram
HOUSE & ESTATE
AGENTS & GENERAL
ORDER SUPPLIERS.

10-12-013
65-12

Mysore 12th April 1913

The General Secretary-6
Bangalore

Respected Sir

It is quite over 9 months since I applied for fair justice re- the Mysore City Improvement Trust Board's resolution in having declared in front our house to build a bungalow on my half site in the Lakshmipuram extension Mysore I most humbly remind you that the subject has been lying undisposed off to my great detriment of my interest I therefore pray that early orders may be passed on the subject

Fully believing that fair justice will be meted out to the unoffending undersigned

Yours obediently
A Sitaram

IV 14/5 1913.

From

The CHAIRMAN of the Board of
Trustees for the Improvement
of the City of Mysore

To

The SECRETARY to the Govt. of
His Highness the Maharaja of
Mysore, Gen and Rev Depts

Dated } 12th May 1913
Despatched }

Received

General No. 403

Enclosures 3

SUBJECT

Submitting a further report on the circumstances under which the Trust Board declined to grant to A. Sitamma Modaliar a licence for the erection of a building on a portion of his bungalow site in the Lakshmipuram Extension.

No.403
12-5-13

MYSORE CITY IMPROVEMENT TRUST BOARD
CHAIRMAN'S OFFICE,
Dated, Mysore, 12th May 1913.

FROM T.G.Lakshman Rao, Esq., L.C.E.,

Chairman of the Board of Trustees,
Mysore City Improvements

To

K.R.Srinivasaiengar, Esq., M.A.,

Secretary to the Govt of H H the Maharaja
of Mysore, Gen and Rev Departments

Sir,

With reference to your letter No.5939/M1.65-12-6 dated the 7th February 1913 requesting that the Board of Trustees may reconsider their decision in the matter of granting A.Sitarama Modaliar a license for the erection of a building on a portion of his bungalow site in the ----- Lakshmipuram Extension, and a report be forwarded to the Government on the same, I have the honour to enclose herewith a typed copy of the Proceedings of the Board in their meeting dated the 26th March 1913, from which it will be seen that the first subject taken up by them was that --- relating to the said Sitarama Modaliar, and that regarding it, the Board have resolved that they are not prepared to grant any concession to him.

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2. They are also confident that the said Sitarama Modaliar has purchased from the Board the site in question for other (probably speculative) than the expressly intend-ed original purpose, and has also shown by his conduct an attitude of persistent disregard to the Board's intentions and warnings.

3. Regarding the observation No.1 in your letter --- under reply as to the precise conditions subject to which the entire site was sold to Sitarama Modaliar, I beg to state that they were (1) that as resolved by the Board in their meeting dated the 27th November 1907, the building operations should be started within one month from the date of delivery of possession of the site, in accordance with the building conditions applied to the Extensions in the Bangalore City, and (2) that the site in question was to be used for building only one house thereon, and to add that a formal communication of these conditions to the purchaser was apparently superfluous, inasmuch as the latter himself had unmistakingly forseen them. The said Sitarama Modaliar had in his application dated the 29th November 1907 (enclosed herein for favour of perusal and obliging return) distinct-ly given it out that "Immediately the site is given, the work of the building will commence of which I assure you". ---

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implying by the words underlined that he was prepared to abide by both the above conditions.

4. Further, I beg to point out that even written communications from this office apprising him of the above conditions, are not also wanting. As reported in detail in this office letter No.338 dated the 18th November 1912, Sitarama Modaliar was warned more than twice by means of notices of this office, that the site in question would be resumed by the Board if he failed to start the building work on it within the time specified in each. In the notice dated the 27th October 1909, two months time was allowed to start the building, and three months again in the notice dated the 6th December 1910, and on the 24th January 1911, the said Sitarama Modaliar was required to show cause why the site should not be resumed as already intimated. To none of these notices, Sitarama Modaliar paid any heed whatever.

5. As regards the condition that the site in question was to be used for building only one house thereon, the same is borne out by the title deed dated the 11th June '09 granted to the said Sitarama Modaliar. In this connection, I beg to invite your kind attention to line 4 in the

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accompanying printed form of the title deed.

6. As for the second observation that there was -- nothing to show that it was made clear to the purchaser that he was not to sell a part of the site to any other, I beg to state that the Board thinks that such a precaution was obviously unnecessary, inasmuch as the said Sitarama Modaliar was understood at the time of sale to be a bona fide purchaser and not one that bought it merely for ---- speculative purposes as his subsequent act indicated. The Board are of opinion that this point need not be laboured upon, and that it would be suffice to point out that if in the absence of any explicit authority, the mere want of a pre-intimation to the contrary is held to procure immunity to the bungalow sites in this special Extension being --- subdivided by their purchasers, there can possibly exist no check or control against the indiscriminate erection of a number of small houses, in defiance of sanitary require-ments, to defeat the very object with wich the said --- Extension was formed.

7. Adverting lastly to that portion of your letter under reply, wherein it is stated that "there appears to be inconsistency in the argument of the Board that the ---

21

the original purchaser cannot build on half the site but that an 'innocent purchaser' claiming under him can", the Board desires me to respectfully invite the attention of Government to sub paras (vii) and (viii) of para 1 and para 2 of this office letter No.338 dated the 13th November last, re the exact circumstances under which the Board granted permission to Ramaswami Iyengar to build on one-half of the site, while they refused it to Sitarama Modaliar to build on the other half, and to state that the Board having chiefly in view the erection of only one building thereon, --- would on no account have allowed Ramaswami Iyengar either, to build on half site, had sitarama Modaliar himself, before selling it to another, started construction with the Board's permission on the first half, so that the case of Ramaswami Iyengar would have been no better than what the case of -- Sitarama Modaliar is at present, howsoever innocent may have been the former in such a purchase.

I have the honour to be,
Sir,
Your most obedient servant,

Chairman.

Enc Gen 65-12/614

24

MYSORE CITY IMPROVEMENT TRUST BOARD.

Proceedings of an ordinary meeting of the Board of Trustees for the Improvement of the City of Mysore, held at the Chairman's Office, on Wednesday the 26th March 1913.

Present.

T.G.Lakshman Rao, Esq., L.C.E., Chairman.

Trustees.

1. Mr.R.H.Campbell, I.C.S., C.I.E.,
2. " M.G.Krishnasami Rao, B.A., Vice-President.
3. " V.L.Manker, D.P.H., etc., Health Officer.
4. " M.C.Rangaiengar, B.A.
5. " Mahomed Jaffer Sahib.
6. " M.Venkatakrishnaiyya.
7. " M.Anantharajaiyya.

Absent.

1. Dr.M.Srinivasa Rao, M.A., M.D., Deputy Sanitary Commissioner

X X X

I Letter No.5939/Ml.65-12-6 dated the 7th February 1913 from the Secretary to Government, Genl. & Rev. Departments, recommending a reconsideration by the Board of their refusal to permit A.Sitarama Modaliar to construct on his half site.

Resolved that the facts be reported in detail to Government, stating that the Trust Board are not prepared to grant any concessions to Sitarama Modaliar under the circumstances.

X X X

(Sd) T.Lakshman Rao,
Chairman.

" C O P Y "

M.G.Krishnasami Rao
for Chairman.

G R. S 26]

Subject:- Petition of Sellatheram Pundit for permission to build on a portion of his site in the Kalkandi Puram Extension, Thanjore City

File No. 652

Serial No 15

Diary No of letter replied to 7053

Enclosure 1 Petition of 13 Petitioners
do 1 do
2 do

No 8755
mb 5-12-
9/9/13

General and Revenue Secretariat
(Mb.)
Q, the 2. 9. 1913

To
The Chairman, Thanjore City
Sanitary Board.

Date of issue 19. 9. 13

Signed by for V Ramanathan

Sir,

With reference to correspondence ending with your letter No 1003 dated the 12th May 1913 about Mr. Sellatheram Pundaram's petition for permission to erect a building on a portion of his site in the Kalkandi-puram Extension of the City,

over

SUBJECT

I am directed to state that none of the three grants named in the letter No. 5939 Mpl 65-12-6 dated the 7th Feb. 1913 has been satisfactorily met. The conditions now insisted upon by the Irish Board were not communicated to the individual concerned at the time of the grant of the title to him. The title deed does not appear to support the Irish Board as contended. For, it does not expressly stipulate that any one have [illegible] power to [illegible] the Constitution of any lower on the title while it expressly confers the power of alienating the title on the grantee.

2) In these circumstances, I am to state that if the Irish Board still refuse to grant the petitioner's prayer so as to lead to delegation [illegible] will

List of enclosures

Copied by A. C. Sen 14.

Examined by

GPB—25,000—8-8'11

GRS 27]

GENERAL AND REVENUE SECRETARIAT

(Continuation sheet draft form)

will be obliged to decline to
hear the Case
I shall &c

Grant
3/7 two months 7/7/13
4/7 Forbes

and that permission may be given to the petitioner to build his house, provided that the ~~the~~ building bye laws are in other respects complied with. I am to add that there are no provisions in the said bye-laws under which the Local Board can withhold the permission sought for, on the grounds relied on in the present case, and that the Members will be acting at their own risk if they decline to grant the petitioner's request.

I am

h.w. this is under correspondence with the Chairman & the decision of the Govt. will be communicated later on.

(9) From the Petitioner, Dt 17-3-13 Complains about the delay in the disposal of the case

(10) From the petitioners, Dt 18-4-13. Prays for early orders.

(11) From the Chairman, Mysore city Dupt Trust Bd. no 403 Dt 12-5-13. Submits further report under which the Trust Bd declines to grant a license for the erection of a building on a portion of his bungalow site

(12) To the Chairman, Mysore city Dupt Trust Bd States that the conditions now insisted upon were not communicated to the individual Concerned & that the title deed does not authorise the Board & that a license must be given to build a house provided that building bye-laws are complied with, & that members will be acting at their own risk if they still refuse permission to build

Drawing
19-11-13